Draft Guideline on Public Participation in Myanmar's EIA Processes
Summary of Consultation Comments & Proposed Responses

This document contains a summary of all written and oral comments received, prepared by the project team. It does not list all individual comments, but rather consolidates common comments to provide a succinct summary. It also includes the responses by the project team to comments, including references to any changes that have been made to the Draft Guideline.

COMMENT	RESPONSE
Process comments	
• Requests for further consultation, following VLS' submission of final draft to ECD, including with UMFCCI members, private sector (project proponents) and the general public	• The Government will need to consider the process for finalizing the Guideline
• Concern that increased regulation will limit investment and development	• Briefing material to be prepared justifying Guideline and identifying value for investment certainty • Contrast with separate comments that increased familiarity with EIA processes and opportunities to participate can help overcome automatic opposition to projects that results from past trauma • Contrast with separate comment congratulating ECD for taking this step for trying to make sure Myanmar doesn't make the same mistakes of other countries in the region where investors have come in without good regulatory controls

• Concern that increased requirements will further delay EIA review processes and project approvals	• Briefing material to explain that the process does not add additional steps, but that by complying with the Guideline it should actually speed up EIA review by:
	   o ensuring complete information is included in reports
	   o predictability in the process

	o facilitating early identification of issues (reducing need to revise reports)
• Relevance of Regional Guidelines	• This is meant as context for the project, not as template – the draft Guideline is specific to Myanmar and based on local experience • Myanmar is not piloting the Regional Guidelines
• Should the Guideline include a timeframe for review of its effectiveness?	• Noted in supporting documentation submitted to ECD
General comments	
• In industrial zones it can be difficult to identify any PAP or other stakeholders	• Table 2 has been amended to include reference to workers, management committees and other enterprises in industrial zones

• Time imposition, and opportunity costs, for general public to join meetings
  o How to deal with the idea of providing per diems or assistance for participants?
	• Chapter 2 has clarified that:
	  o no-one is forced to attend meetings – it is about providing opportunity
	  o if meaningful attempts are made to provide opportunities, the lack of attendance or comment won't invalidate the EIA process, but these circumstances should be explained in the EIA report.
	 • This is why the Guideline states that attempts should made to arrange meetings at times and locations suitable to stakeholders – to reduce these impacts

• Public capacity to understand information and participate • Personal experience working with rural PAP, there is often not a baseline understanding about what their rights are or what they can request (or assumption they cannot request anything) … PAP need to be informed of what they can request	• The Guideline is not intended to change Myanmar's EIA Procedure or policy approach (i.e. it cannot change the approach of Consultants being engaged by Proponents) • One purpose of the Guideline is to help improve

	awareness amongst PAP and stakeholders of the type of information they can generally expect and request
	• Supporting documentation to ECD will suggest consideration of separate efforts to support capacity improvements (e.g. discussions with development partners, fund for supporting communities impacted

• Public comments often beyond scope of the EIA and/or ECD jurisdiction
    o Comments focus on the socio-economic domain and peoples' perspectives are more on benefit sharing and consequences opportunities/challenges than CSR and other supports that project proponent could take care of it.
	• General points have been inserted into Chapter 2 about the role of the EIA consultants to use their expertise and filter comments received:
	    o determine those comments to be considered and addressed in the EIA and those just to be noted
	    o clarify in Guideline that the responsiveness principle does not require every individual comment to be addressed
	• The definitions have been expanded to clarify in that the EIA Procedure requires consideration of environmental impacts in their broadest sense (including social, economic, occupational health and safety, etc).

• Coordination between Government departments and organisations o participation and social aspect on the project related activities are not necessarily to be taken care of Pure Environmental Authority, but it is to be taken care by various authorities of Myanmar Government agencies such as General Administration Department, Labour Department, Health Department, local and regional government, law enforcement department.	• Government agencies are included in list of potential stakeholders • As noted in a separate submission "By making sure that the relevant Departments and Agencies are invited to participate in the consultation process, and are able to make relevant submissions to ECD during the Ministry's review process, we feel that societal issues beyond pure environmental topics can be covered by the process."

• Guidelines are too prescriptive (especially in terms of number of meetings)	• Contrast with other comments that support minimum numbers included in consultation draft and the need to increase clarity for all government departments
	• Guideline must be prescriptive to:
	   o clarify the legal obligations (i.e. minimum requirements) as compared to recommended good practice
	   o ensure stakeholders have clear understanding of what will be done as a minimum
	• However, Guideline does allow for flexibility:
	   o Enabling a justification for fewer meetings to be provided
	   o Acknowledging that in many cases more meetings will be warranted

• Ensure the differentiated roles and responsibilities of the project proponent and consultants are clear. o Numerous sections in the document refer to responsibilities of EIA Consultants; it should be up to the Project Proponent to determine whether or not they hire consultants to assist with public participation. We suggest that any references to EIA consultant in the Guideline be changed to 'Project Proponent or EIA Consultant.'	• Addressed in 1.2(j) and 3.1(a) • A consultant is required for EIA type projects – given public participation is an integral part of the EIA scoping and investigation, this is an obligation of the consultant (with the Proponent both involved and having ultimate responsibility)
• Question about whether guideline should identify best methods of public participation meetings	• Public participation meeting is defined to include various methods, the selection of which will depend on the particular circumstances and is a matter for the public participation plan.
• How will the Guideline be implemented in conflict areas?	• Inserted new 2.8.3 on conflict areas

• What legal status will the Guideline have, and what will the consequences be if it is not followed?	• Ultimately this is a matter for the Government when it considers the form to adopt the Guideline • The Guideline has been drafted to give effect to the EIA Procedure with minimum requirements that must be met – non-compliance with the Guideline would essentially amount to non-compliance with the EIA Procedure
• What is the relationship between this Guideline and other technical guidelines (e.g. sector-specific EIAs)	• The Guideline has been drafted to provide an overarching approach to all projects – other sector-specific guidelines might adapt these by providing more sector-specific detail
• Will ECD or the EIA Report Review Body be responsible for reviewing submitted Public Participation Plans?	• The intention is that ECD review Public Participation Plans as part of the review of EIA Terms of Reference
• Not all suggested methods for disclosing notices and information will be available in all situations – suggest making this a list of options	• Language has been amended to allow the selection of approaches tailored to the circumstances
• EIA Process "steps" or "stages"?	• Final draft reviewed for consistent use of "stage"
• Article 7 of the EIA Procedure requires that EIA-type projects involving involuntary resettlement must be carried out in accordance with international best practice and standards on involuntary resettlement. Where resettlement occurs, international standards require public participation in decision making and planning. Public participation in any resettlement planning processes is separate to an EIA and it is recommended that this is clarified within the EIA-PGG, to ensure that the EIA public participation process does not displace participation in any later resettlement planning process. This clarification is important to guide Project Proponents and responsible government bodies to lawfully comply with the public participation requirements of both EIA and the related but separate process of resettlement planning.	• 1.1(c) amended to clarify that the Guideline application to EIA Processes does not alleviate the need to follow other regulatory requirements

• Consistent with the EIA Procedure, it would be useful to clarify the definition of a Project Proponent, particularly in cases where a project is proposed by more than one party, such as in the case of a joint venture between different private companies and/or a venture between a private company and a government body or government-affiliated organization or company. Without this clarification, there is ambiguity regarding the responsibilities and roles and ultimately accountability of ensuring compliance with the Guideline.	• Guideline already includes definitions of Project Proponent and Project Proposal from EIA Procedure • Clarified in 1.2(k) the application to government organisations (referencing Article 10 of EIA Procedure)
• The terms, 'should,' 'shall,' 'may,' and 'must' are used throughout the document when describing actions to be taken by Project Proponents, EIA Consultants or regulatory agencies. We suggest that each use of these terms be reviewed to ensure it accurately reflects legal and regulatory requirements. In particular, the terms 'shall' and 'must' should only be used when describing an activity required by Myanmar law or regulation.	• This is the intention – language has been reviewed

• The Guidance recognises the need for project-specific flexibility in tailoring public participation to meet the needs and circumstances of Project Affected Persons (PAPs). Similar provisions could be added for to tailor public participation to allow for widely different types of projects.
    ○ For example, an offshore oil and gas seismic acquisition project is a very different undertaking to an onshore mining project. Both projects require an EIA, but the nature, scope and duration of potential impacts are much different. Offshore exploration projects are transient in nature and, for those that are located far offshore, it may be difficult to identify stakeholders who are potentially PAPs.
    ○ For an offshore exploration well, except very near shore, there will be very limited, if any, interaction with or impact on local
	• This is noted in 1.4.3(c)
	• Additional clarification provided in 2.1(c), 2.2(d) and 4.3.4.3(a)

communities, and the relevant PAPs for example for deep-water areas may be very limited, and not necessarily geographically related to the area. In this context, it is important that the guidelines, whilst clearly setting out the principles of good practice and examples of how this ought to be done, need to allow the individual Project Proponent sufficient flexibility to design a public consultation process that is fit for purpose and proportionate to the project. • Numerous times throughout the document reference is made to holding meetings close to the site of a project and posting sign-boards at the site. For an offshore exploration project, this is not practical. Again, the Guideline needs to take into account the different types of projects which may be covered.	
• EIA should practice ethnic customary practice and decide by ethnic community.	• The Guideline refers to tailoring approaches taking account of presence of different groups, but is drafted to apply to the whole country
• EIA, Social IA, Health IA are not enough. In conflict areas, need to have Conflict IA.	• New conflict areas section added in 2.8.3
• Recommendation to develop a government fund to engage PP experts and/or support capacity of participants	• This is beyond the existing regulatory framework under the EIA Procedure, and is a broader policy issue for consideration
• Conditions for effective public participation and objectives should be stated clearly at the beginning of each PP meeting	• The sections on "conduct of PP meetings" clarifies that an agenda with objectives should be provided in addition to information about the process
• Minimum Information Table: Some should be moved to Screening from Scoping	• This is difficult as information may not be available at the screening stage; plus there is no legal obligation for information disclosure at the screening stage

• The Guideline seems more concerned with limiting conflict between the PAP and Project Proponent, and promoting development, than engaging PAP and enabling PAP to impact the project	• The objectives of public participation and the Guideline are developed in the context of the existing regulatory framework.
• No reference to objectivity or neutrality of EIA Consultant	• This is outside the scope of the Guideline, which is implementing the existing regulatory framework. The EIA Consultant is to exercise their duties in a professional manner even if paid by the Proponent
• Concerns about lack of details for binding commitments	• This is more a matter for the EIA Procedures and how commitments between PAP and Project Proponent are documented and incorporated into the ECC. • Additional language inserted to ensure any commitments made by the Project Proponent during meeting proceedings are recorded
• Recommends that EIA processes should also be disaster-risk informed. Is there a segment to gather this disaster-risk information as well as traditional coping mechanisms to disasters and environmental degradation through local public participation?	• This is a function of the requirements of the contents of EIA Reports.
• Reporting on public participation meetings should breakdown to include gender and age.	• The language has been updated
• Guideline currently only deals with new projects (apart from brief mention of EIA Procedure Article 8 in Chapter 5), but important that public participation is undertaken when conducting environmental audits of existing projects and preparing EMPs for existing projects. It is important to consult with impacted people to identify the past impacts.	• New language in 1.2 on Environmental Compliance Audits
• Revise flowcharts to better summarise the process – using appendix to the EIA Procedure as a guide	• Flow charts have been revised
• Restructure document, removing repetition in Chapters 3-6 (e.g.	• Repetition is acknowledged but the intention of

meeting content)	having stand-alone chapters for the approaches to IEE, EIA and EMP type projects is considered preferable

Chapter 1

• Question whether definition of indigenous people accounts for ethnic diversity in Myanmar – or similarly is too broad, basically meaning any non-Bamar group	• Definition is used consistent with the EIA Procedure • Footnote included to explain the nuances of the various terms for indigenous in the Myanmar language.
• CSO definition – make sure not limited to organisations registered under the Associations Law	• Ensure translated version does not limit the type of CSOs that can participate
• 5 key principles of meaningful participation – add protection for people participating? Worried about negative repercussions	• This is covered by 1.4.1(e)
• Only translating the Executive Summary from English to Myanmar language is insufficient – both because it often only gets seen by the Government and, at any rate, is not appropriate for local languages. Suggest everything should be translated into Myanmar and local languages, including technical information.	• This is a balance between cost and effectiveness
• Ensure oral and written comments are treated as equally valid	• Additional language included to address this
• Be more explicit about recording all comments including those given orally (via audio or video records only after being agreed to by PAPs)	• This raises some privacy and security concerns and has not been included, beyond the general requirement that a record is maintained of all comments
• Is the concept of "disadvantaged group" already covered by the definition of PAP? • Suggest add "or because of existing environmental quality or setting in which they live in is susceptible to have impacts induced by project activities" in definition	• This is more about disadvantaged people within different stakeholder groups and the special needs they may have – disproportionate impacts already included in definition
• Suggestion to include reference to "as accurate as possible" in principle	• Inserted reference to currency (i.e. up to date)

of "informed"	
• Suggestion to amend Table 1 to "recommended" not "minimum" information	• This is a summary of the minimum expected – there will often be additional information available
• 1.4.1 (e)(v) - the method of providing feedback to PAPs is not defined, seemingly allowing feedback to be provided orally without documentation. It is generally not possible to credibly assess the quality and appropriateness of oral feedback, because, unlike documented feedback, the contents of that feedback may be later disputed. Therefore there tends to be a lack of accountability when oral feedback does not sufficiently address public participation requirements inline with the EIA Procedure. I recommend that at a minimum, a documented summary of feedback must be provided to PAPs. As best practice, comprehensive feedback should be documented and provided to PAPs.	• This is included in the final presentation of the IEE and EIA, and in the review steps • Agree that written feedback is important, while oral can also be important • Clarified in 1.4.1(e) that the outcomes should also be documented
• Sections 1.4 and 1.5 seem to focus almost exclusively on the role of the Project Proponent in carrying out public participation processes, without much mention of the crucial roles of the government agencies.	• 1.4(e) includes explicit reference to government decision-making
• 1.5 in particular (Budgeting) could be interpreted to mean that Project Proponents must pay for all time spent working on the project by any employee of a government agency.	• This is not the intention, and the Guideline follows the language in the EIA Procedure
• Include reference in "inclusiveness" principle that all stakeholders must be mapped and involved	• This is a process detail for the plan, not the principles
• PPP should include specific timeframes	• Timeframes are provided in context of overall procedural requirements
• More guidance needed on the criteria and timeframe for updated PPP	• This will be a case by case matter
• With reference to Table 1, it may be too soon in the process to require the release of project information at the screening, or project proposal stage. But we support idea of submitting proposed PPP along with the project proposal submitted to ECD	• Table 1 is recommended levels of information and should be read in accordance with the language on screening in 1.2

• Suggest adding language to 1.2(e) to clarify that PP is not only about relationship building, but is also an important part of the decision making process and informs government decision-making	• 1.2(e) is about early relationships – the value for decision-making is explained in 1.4.1(b)
• Suggest adding a "right" to know how comments were considered in the decision making process	• The Guideline has addressed this in practice, but utilizing "rights" language would require regulatory reform
• Specific attention should be paid to making information understandable to PAPs. Suggest requiring proponents to inform PAPs of their right to request clarification of project-related information	• Such explanatory language added to 1.4.6
• Suggest new paragraph: "1.2 In many cases, the provisions of this Guideline express the minimum requirements and conditions that are likely to secure meaningful public participation during EIA processes. Parties implementing the Guideline should be open to going beyond the requirements set out in the Guideline, based on the expressed needs of project affected people. The requirements for meaningful public participation vary immensely according to the size of the project and its likely impact. Large projects will often require public participation efforts that extend far beyond those endorsed in this Guideline."	• New paragraph 1.2(c) included
• 1.4.3 Add new principle of "Impact" and reinsert principle of "Accountability" • Suggest adding impact as a key principle of EIA. Document seems to imply that all projects will be approved, potentially rendering PP a token exercise	• "Accountability" was deleted following previous comments. This may be a part of the principles of "integrity" • "Impact" can be a part of the need for public participation to be responsive. • Language clarified that public participation should be used to help determine whether a project proposal should be approved or not
• 1.4.5. Information requirements - There is a need to be explicit that "mega-projects" will need more extensive guidance on public	• This could be addressed during the Scoping Phase and in the preparation of the draft TOR and public

participation.	participation plan.
• 1.4.6 Language and over simplification of project impacts – question about the relevance and feasibility of non-technical summaries	• Non-technical summaries should be provided for all projects, especially to help address capacity of public to review documents
• 1.5 Budget. EIA Consultant as an independent expert; communications between Project Proponent and EIA consultant should be disclosed.	• The Guideline implements the EIA Procedure under which the EIA Consultant is not an "independent expert"; rather it is a professional organisation with clear obligations for accuracy and professionalism. Communications between the Project Proponent and the EIA consultant cannot be required to be disclosed.
• Definitions of vulnerable and disadvantaged groups should make reference to women, children, the elderly and disabled. This should be referenced in the definitions of (vii) stakeholders, (ix) vulnerable and disadvantaged. Table 2, Table 3	• The Guidelines look at vulnerable groups and disadvantaged groups. These details are provided.
• 1.4.1(c) Please add detail of how/at what stage a conflict analysis will be taken to ensure adequate participation, particularly of vulnerable and marginalised groups; noting non government controlled areas	• New section 2.8.3 on conflict areas
• Table 1: include reference to age- and ability-sensitive language and delivery.	• Addressed in 1.4.6
Chapter 2	
• Suggestion that project proposals submitted for screening be accompanied by an outline for a public participation plan	• This is consistent with the Guideline principles that public participation commences as early as possible in a planned manner. • However, requiring this would be an additional obligation and other comments have suggested this would be too great a burden.
• 2.1(c)(v) sounds like a capacity-building element – suggest delete "the	• Words deleted

ability to"	
• 2.4(d)(vi) suggest delete author	• Revised to just include contact point
• Be more explicit about obligations	• Draft reviewed to carefully distinguish between obligations and recommendations
• 2.5b(iv) – not strong enough, Proponent "must not" cut costs	• This is a principle not an obligation
• How to avoid reluctance of some PAP to participate in meetings (whether because of fear of retribution or fear of seeming ignorant) – should they have representatives?	• Guideline refers to recognizing spokespeople in 1.4.4
• Table 2 – question about inclusion of ethnic armed organisations, their definition and whether they can be legally met or not? It is quite impossible to include government authority and ethnic armed organization in one meeting.	• The table is indicative and not all listed types of stakeholders will be relevant to all project proposals • Detail on ethnic armed organisations added to 2.8.3
• 2.7 – Suggestion to recommend that at least two EIA consultants attend meetings: from each of environmental or social-economic fields, and one of them should have in-depth understandings of meaningful public meeting (This is very important to deliver the correct message and to response properly to community) – this should also be mentioned in the meetings summary tables	• Added language on having public participation expertise in meetings (1.4.6)
• 2.8.2(f) – avoiding resettlement should be done "as best as possible" not as a priority	• 2.8.2 has been redrafted in detail
• Q as to whether all stakeholders must be identified at the screening stage?	• Clarified that this is an ongoing process
• Add NGOs to list of stakeholders in Table 2	• Added as a subset of CSOs in line with definitions
• Request more clarity on "areas of concern" with regard to 2.4(a)(ii)	• Language updated
• Including "attitudes and expectations toward project" in the PPP may not be feasible. Difficult to ascertain attitudes and expectations until proper consultation has occurred.	• Clarified language – note intention was not to refer specifically to attitudes regarding the project
• PPP contents – aren't there standard methods in the guideline for	• This will depend on the project and is to be

dissemination of information? More clarity needed	developed in line with the guidance chapters
• Request for more clarity on the types of "additional support" needed to ensure participation of vulnerable groups	• This will depend on the particular circumstances • 2.8.1 and 2.8.2 have been redrafted
• FPIC – request for clarity on application of FPIC to government decision on a project proposal. "may have some bearing"	• FPIC section has been redrafted
• PPP focal point should be ECD, unless the EIA Consultant is not hired directly by the Project Proponent	• The PPP is for the Proponent/Consultant to implement, so it would not be appropriate for ECD to be the focal point
• 2.1(a) Recommend an amendment to include reference to harm to PAPs as a consequence of the failure of effective public participation.	• Language revised
• 2.1 Include an amendment to reflect the need to consult with the PAP on the public participation plan.	• This is addressed in 2.4(e)
• 2.4 Include a requirement that the public participation plan should refer to any consultations in developing the PPP	• This is addressed as a requirement for the scoping report
• Suggest including women as "vulnerable" group with regard to 2.8.1 and defining best practice procedures to include women	• Addressed in the redrafted 2.8.1
• 2.8.1 (b) Developing further detailed recommendations to ensure participation by women.	• Addressed in redrafted 2.8.1
• 2.8.1 Concerns are expressed that there needs to be more detailed provisions for vulnerable groups	• Addressed in redrafted 2.8.1
• Recommends the addition of this explanatory paragraph to 2.8.2: *The 2015 EIA Procedure requires that where a project may potentially have an impact on Indigenous Peoples, it must adhere to international good practice. Although the following Guideline has been drafted in accordance with international standards and practice, its guidance on this matter is not exhaustive. Project proponents/EIA consultants should hire experts with the requisite knowledge and technical expertise to ensure the legal requirements contained in the EIA Procedure related to Indigenous Peoples*	• Addressed in redrafted 2.8.2

have been met, and will continue to be met, throughout the project's life.	
• Some comments that Free Prior and Informed Consent for indigenous peoples should be formally adopted	The matters raised in this submission about FPIC, Indigenous People and self-determination extend beyond these Guidelines. FPIC language updated.
• 2.6 (e)(vii) Insert "and children and youth"	Addressed
Chapter 3	
• Concern expressed that leaving reports in multiple locations could lead to confusion (e.g. which is most up-to-date version)	• This concern is noted, but the benefits of providing hard copies of reports outweigh any risks. Many communities will not have reliable internet access, or perhaps no internet access at all, and so it is important that provisions are made for them to otherwise obtain project-related information.
• Important that Proponent representatives at public participation meetings have decision-making authority – often participants expect project commitments to be made during meetings	• Language has been added to 3.4.2(g), 4.2.4(f), and 4.3.4.2(i) to make clear that if a commitment is given by the Project Proponent at a meeting, it should be formally recorded and provided to the ECD along with the submission of the IEE, EIA Scoping Report, or EIA Report, as the case may be.
• Concern expressed that including the project location in the notice of commencement of processes could lead outsiders to try to establish a presence so they can get compensation.	• This is noted as a potential practical challenge that is more relevant for broader processes around resettlement and compensation – the benefits of the general approach to early disclosure outweigh the risks in some situations
• Table 3 – clarify difference in purpose for first and second meetings	• Updated
• Table 3 – shouldn't use word "Provincial"	• All references to "Provincial," including in Table 3, have been replaced with the term "Regional" to make it appropriate to Myanmar.
• Table 3 – question about the role of State/Regional ECD offices: it seems	• Language adjusted to refer to invitees (the

they need to be at all meetings, but this is too big a burden – is it necessary that they attend all meetings?	importance is to provide opportunities for stakeholders (including sub-national government officials) to attend, not that they must attend for participation to be meaningful)
• There may be questions about the capacity of the Project Proponent to undertake the IEE (and therefore public participation)	• This comment is acknowledged. However, it is a legal option under the EIA Procedure for the Project Proponent to undertake the IEE (and therefore public participation), and this Guideline is not amending the law.
• 3.3(f) – not necessary if the Proponent is undertaking the IEE	• Possibly true, but the Proponent may not have involved correct experts in initial meetings – at any rate, this is a suggestion not a requirement. Language has been changed from "should" to "is encouraged" to reflect more clearly that this is a suggestion rather than a requirement.
• 3.4.3 (Site Visits) – consider involving external technical experts in site meetings	• Language has been added to clarify that the Project Proponent may not prevent the PAP from being accompanied by an external technical expert on any site visits.
• 3.4.4 – agree with approach for transparency, but guidance should be included on how to deal with any new concerns that may be raised at this point, including whether the IEE Report should be updated?	• Language has been added to clarify that the purpose is about transparency and that any new or repeated comments will be for consideration by ECD during the review step
• 3.4.5 – Table 4 – Include in purpose of first meeting: Inform PAP and stakeholders of potential environmental, social and health impacts and their relevant mitigations (results from screening and desk study).	• Language has been added to Table 4
• 3.4.5 – Table 4 – Include in purpose of second meeting: Inform PAP and stakeholders of proposed CSR program	• Language has been added to Table 4.

• 3.5(c)(v) – Not only number, if possible, names, livelihood and their designation, village name should be described in report to analyze coverage area of public participation program.	• Language has been added to require a record of the relevant demographic data but some of the suggested information raises potential privacy and security concerns so has not been included
• 3.5(c)(v) – summary should include "project perception" to assist decision-makers	• This is addressed in 3.5(c), which requires Project Proponents to include a summary of the issues raised by PAP and other stakeholders during the public participation process, and how they were addressed in the final IEE Report.
• 3.6.5(b) – this should include direction on which PAP and stakeholders should be invited	• Language has been added to require all PAP and other Stakeholders involved at earlier stages to be invited, with the invitation to be explicit that the meetings are open to the public
• Methods of notice – must all be satisfied or only some of them?	• Changes have been made to the language in the relevant sections in Chapters 3 and 4 to clarify that a combination of methods, relevant to the particular circumstances, must be used in order to maximize the number of PAP and other stakeholders reached.
• Who will gather comments received during IEE Report preparation stage?	• This is responsibility of the Project Proponent, or the EIA consultant if one has been hired
• Two meetings at IEE report preparation stage is too prescriptive, especially for projects located within industrial zone for example – recommend that the number of meetings for IEE type projects be agreed to in consultation with ECD.	• This has been subject to significant discussion and is considered an appropriate minimum
• 3.4.1 Consider 2 meetings to be too few	• The Guidelines provide for a minimum of two meetings for IEE type projects, with language included to clarify more meetings will often be needed

• Site visits need to respect company rules (no photos, no access to certain areas, etc.)	• This will be a case by case matter in preparing the site visits
• Suggest that Final IEE report presentation be organize after submission of IEE, not before, in order to save time	• The objective is to keep the PAP informed as early as possible
• Who invites participants to final IEE report presentation?	• Language has been added to Section 3.4.4 to clarify that it is the responsibility of the Project Proponent to invite participants to the Final IEE Report presentation. In accordance Section 3.1(a) of the Guideline, the EIA Consultant may issue the invitations if one has been hired, but it is the Project Proponent's ultimate responsibility.
• Responses to comments – proponent should not be required to respond to comments that are not reasonable or not applicable to the project under review	• Language has been added to Chapters 3 and 4 to clarify that the Project Proponent shall provide an explanation in its response to comments if it determines that any of the comments or issues raised are unreasonable or not relevant to the proposed project.
• Request clarity on who should be included in the targeted distribution list for notices of PP meetings	• Language has been added to Chapters 3 and 4 to encourage project proponents to consult with PAP and other stakeholders to determine the appropriate methods for issuing notices of public participation meetings. In reporting on public participation, the project proponent is required to provide a rationale for the methods of notice chosen.
• Copies of feedback received during preparation of PPP should be provided to ECD and public to inform "EIA"	• Language has been added to clarify importance of feedback on public submissions
• 3.4.2 proponents should inform PAP at initial meetings about the ECD approval process and their right to appeal ECD's decision	• Language has been added to Chapters 3 and 4 to clarify that project proponents shall information PAP

	about the ECD approval process at public participation meetings during the IEE Report preparation, EIA Scoping, and EIA Report preparation stages. Additionally, language has been added to clarify that ECD shall inform meeting participants about their right to appeal ECD's decision during the IEE Report review and EIA Report review stages.
• 3.4.2 EIA consultants should ensure that meetings conduced in a non-coercive manner (no military or police present).	• Such powers of exclusion are beyond the scope of this Guideline. Language has been added on this point in relation to conflict affected areas.
• 3.4.2 Conduct of meetings – inadequate and should be more participatory	• Language in Tables 3, 4 and 5 clarified to reinforce intent that the meetings are meant to involve two-way communication and sharing of ideas
• 3.5 Concern that the public participation must be reflected in the IEE and design of the project.	• This is an ongoing challenge in any IEE process – emphasis is placed on ensuring the feedback is transparently considered
Chapter 4	
• Both IEE and EIA preparation require a minimum of 2 meetings – concerned that this is not enough for major projects or projects covering a large area	• Language has been added to the sections on IEE Report preparation and the EIA Scoping stage to clarify that the Ministry may require more than two public participation meetings, based on the nature and size of the project and the surrounding communities. Section 4.3.4.1 on EIA Report preparation makes clear that more than 2 meetings will likely be necessary.
• Suggestion to include a formal comment period on the EIA ToR	• This would involve changing the EIA Procedure as the ToR review time period is not long enough for formal consultation – this is why the Guideline

	recommends public participation during preparation of the ToR
• 4.2.4a – Clarify that this is meant to be two periods of meetings – concerned that some people could try to manipulate this	• Language has been added to this section to clarify that the Ministry may require more than two meetings based on the nature and size of the project and the surrounding communities.
• 4.3.1b – some projects could take more than 2 years, sometimes just baseline study takes 1 year.	• Language has been edited to state that large and complex projects may take multiple years.
• 4.2.2(b) – question of whether additional information is required	• For the notice of commencement, this is sufficient
• Box 3 – "scientific and technical information" should be replaced with information about project design, project management, project activities etc – no scientific information can be delivered as baseline studies have not yet been conducted.	• Language edited to clarify that scientific information available at the time should be disclosed.
• 4.2.4(a)(ii) – what criteria will be used?	• The justification and explanation of how public participation will still be meaningful required from the Proponent
• 4.2.4(d)(i) - Project owners already decided the location which they own before call for EIA services. This is major cause of unavoidable negative impact. What EIA consultant can consider for alternative is related with minor design, project management and operational activities.	• Alternatives to the location should be considered. In practice this is acknowledged to often be an issue but will be expected to improve over time. This is a broader issue for the EIA Procedure than just public participation
• 4.2.4(d)(i) – clarify that mitigation and management measures can only be possible at this stage	• In English version, this is already addressed in the word "potential" – ensure same meaning in translated version
• 4.2.4(f) – In some conflict areas, security measure for EIA consultants and participants are also important when public meeting is arranged. Based on the situation, public location and meeting can be different	• Language amended to "Meeting types, locations and structures can be different depending on the situation of study site and its surroundings, the nature and complexity of the Project Proposal and

	the number of interested participants"
• Table 4 – some local authorities will be reluctant to join if meetings are held in areas with security risks	• Addressed in new 2.8.3 on conflict affected areas
• Table 4 – suggest combining 1st and 2nd meetings	• No change - significant discussion already on the importance of this point
• Table 4 – what kind of information is expected from separate meetings with women?	• Explained in 2.8
• 4.2.6(c)(v) – Not only number, if possible, names, livelihood and their designation, village name should be described in report to analyze coverage area of public participation program.	• Language has been added to require a record of the relevant demographic data but some of the suggested information raises potential privacy and security concerns so has not been included
• 4.3.1(b) – According to experience, some project takes nearly 2 years as EIA consultant has to wait until developer finalized the project design including engineering and management. Thus 2 years should be extendable. Hydropower project may take more than 2 years as baseline study has to be conducted over 3 seasons – that is 1 year.	• Language has been amended.
• 4.3.3(g)(iii) – should be done by project proponent	• This should be both
• Box 4 – "scientific and technical information" should be replaced with information about project design, project management, project activities etc	• Scientific and technical information should be available at investigation step; language has been amended to add project design, activities, and management.
• 4.3.4.1(c) – In some conflict areas, security measure for EIA consultants and participants are also important when public meeting is arranged. Based on the situation, public location and meeting can be different	• Language amended to "The number and location of meetings required to achieve this level of meaningful public participation will vary depending on the situation of the project site and its surroundings, the nature of the proposed project, its location and the level of existing awareness of the proposal amongst the stakeholders – including the extent of public

	participation already undertaken in the Screening and Scoping steps."
• 4.3.4.1(e) states that 'larger project proposals... will require more (and often many more) than two meetings.' We suggest that the size of the project (however this is measured) is not necessarily the key factor in determining the number of meetings required, but rather the complexity of the project and the number and type of potential stakeholder impacts. • 4.3.4.1(e) – include medium or large hydropower projects as an example	• Language amended to "Complex Project Proposals, those with many different types of potential impact, or those covering a wide area (e.g. ..." • Hydropower added as an example
• 4.3.4.1(f) – add reference to determination of "location" of meetings	• Language amended to "...the exact number and location of meetings that will be required..."
• 4.3.4.2(b) - Project owner have more access to have local knowledge. That is why collaboration from developer is required	• Language amended to include "...in collaboration with the Project Proponent..."
• 4.3.4.2(f)(ii) - Project owners already decided the location which they own before call for EIA services. This is major cause of unavoidable negative impact. What EIA consultant can consider for alternative is related with minor design, project management and operational activities.	• As noted above, alternatives to the location should be considered. In practice this is acknowledged to often be an issue but will be expected to improve over time. This is a broader issue for the EIA Procedure than just public participation
• 4.3.4.2(f)(ii) - suggest expand to "public health and safety" impacts	• Guideline language amended to clarify "environmental impact" is broadly inclusive and includes these types of impacts
• Table 5 – should include EIA Consultant	• EIA Consultant has been added to Table 5
• 4.3.4.3 is written with a land-based project in mind, and is not practical for an offshore project. It is particularly problematic with the requirement that the 'Project Proponent... must offer to arrange...' the visit	• This obligation is consistent with the existing legal requirement under the EIA Procedure • It is moderated by the words "offer to arrange" • Language amended to add new sub-point "(ii) This should take into account practicalities of visiting

	sites that are difficult to access, including for reasons such as security and location (e.g. offshore project sites)"
• Suggest that TOR be presented for public input before being finalized	• Included in Table 4
• Proponent should be required to provide explanation/justification for any impacts that cannot be mitigated	• Agree, but this is not exclusive to public participation but a matter for the EIA Report
• More clarity what is required with regard to reporting on the results of PP scoping process	• Provided in 4.2.6
• Suggest that PP during EIA investigation be regularly reported to ECD and that there be a grievance mechanism during investigation stage	• This could be something for inclusion in the Public Participation Plan, but there is no role for ECD at this stage
• 4.4.5 should specify that EIA report should be available to the public on an ongoing basis throughout the life of the project	• Language added to 4.4.2 to ensure that Project Proponent takes measures to ensure that the EIA Report is publicly available throughout the life of the project.
• Reference to environmental compliance audits	• New language in 1.2
• 4.2.1 Include community resource mapping as part of the Scoping Stage	• Language added to Section 2.2(b) on identification of PAP to address this point.
4.2.4 (d) additional paragraph • *"Public participation meetings during the Scoping stage are a critical time for PAPs to first learn about the proposed project and the EIA process. The meetings must ensure adequate time for questions, as well as comments, about the project and the EIA process, including sufficient gaps between Scoping meetings that will allow PAPs to process and understand information and to return with further questions".*	• The Guidelines specify a minimum of two meetings. However the overriding aim of the process is still "meaningful" public participation.
• 4.2.4.(h) - Translators should be a requirement for effective public participation	• Section 4.2.4(h) states that the "Ministry may require" translators based on the location of the proposed project. This is site specific, and

	translators may not be warranted in every situation.
• 4.2.4(d) Comments to support consultation with women and for IP – more information on how	• Provided in 2.8 and Tables
• 4.3 Comments on community natural resource mapping, impact benefits agreements	• These issues are matters for consideration in the EIA process. These comments should be referred to ECD for consideration.
• 4.2.4 (iii) should include "and children and youth"	• Language has been added to the Section 3.4.2, Section 4.2.4, and Section 4.3.4.2 to address this comment.
Chapter 5	
• 5(e) – does this imply a meeting? Would this be the first meeting of stakeholders? Or public disclosure of the document at ECD, GAD, township, rural offices? Does (g) also include a meeting?	• Chapter 5 updated, including to address this point
• Stand-alone EMPs should not be seen as being less significant than IEEs – with this understanding, only one meeting would be insufficient	• Chapter 5 updated, including to address this point, noting that this will depend on the Project Proposal
• For existing projects, the original identification of PAP (if at all) was often flawed, so there needs to be a new, inclusive process of identification	• Addressed in new language on environmental compliance audits and their outcomes in 1.2
• 5(a) – If ongoing/existing/legacy projects are required to develop an EMP, would there be the need to hold public consultation meetings?	• Addressed in new language on environmental compliance audits and their outcomes in 1.2
• In the case of no PAPs residing close or near to the project area, will the "presentation" still required to be conducted?	• It is highly unlikely there will not be any PAP, even if not in close physical proximity
• 5 (i); Information should be made available on the project proponent's website - what if the project proponent does not have a website?	• Chapter 5 updated, including to address this point
• 5 (k) - which level of PAPs should be involved in the process? Township, ward, rural?	• Added new "(ii) the PAP and other stakeholders"
• This Chapter should refer to EMPs for new projects. A separate section should be developed for "environmental audits" dealing with existing	• Revised accordingly

projects.	
Chapter 6	
• CSOs should be able to be involved in monitoring, not just third parties, but need to be more explicit about how	• Language revised to clarify this, but actual approaches will be case-by-case
• 6.4(a) - This is not inline with short-term project exploration like oil and gas exploration and drilling.	• This is consistent with the EIA Procedure
• 6.4(c) - Data from in-situ measurement is possible, but some parameters like heavy metals and biodiversity information cannot be available within this short period due to limitation of lab facilities	• This refers to time after information is submitted to ECD, not time to gather and release the information
• Change from "should" to "must"	• Obligations versus recommendations have been reviewed
• Suggested new paragraphs: *"Project monitoring can help to foster community-wide trust that the project is being operating in accordance with its conditions of approval, providing that PAPs are fully included in the monitoring process and continual information disclosure is taken seriously by the Project Proponent." "Participatory monitoring, undertaken jointly between PAPs and Project Proponents, may also help to identify and correct issues that occur during the project's implementation and can help to ensure that Project Proponents will be responsive to communities' concerns.'*	• The involvement of the PAP in monitoring and compliance is supported. • 6.1 revised to include reference to meaningful public participation
• 6.2 There should be funding for community involvement	• Clarified
• 6.4 Preparation of Monitoring Reports should involve public participation	• These are required under the Environmental Compliance Certificate. A distinction needs to be made between the technical monitoring required by the EMP and the involvement of the PAP.
• 6.5 Complaints and Grievance Mechanisms – proposes detailed provisions on community-driven CGMs	• The PAP should be involved in the design and operation of the CGM. However similar projects can

| | have similar CGM that should reflect the roles of government and the needs of the PAPs. The EIA/IEE/EMP should propose a type of CGM appropriate for the project as the basis for consultation with the PAP. |
| | • 6.5 has been redrafted |